

Please cancel claim 3 without prejudice or disclaimer.

Please amend the claims to read as follows:

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1. (Once amended) A device comprising;  
a waveguide;  
a finline substrate positioned within the waveguide;  
a tunable dielectric layer positioned on the finline substrate;  
a first conductor positioned on the tunable dielectric layer; and  
a second conductor positioned on the tunable dielectric layer, the first and second  
conductors being separated to form a gap having a minimum width ranging from 2 micron  
to 50 micron.
  2. (Once amended) The device according to claim 1, wherein:  
the gap extends from a first end of the tunable dielectric layer to a second end of  
the tunable dielectric layer;  
the gap includes a first end, a center portion and a second end; and  
the gap includes exponentially tapered portions adjacent to said first and second  
ends.
  3. (Cancelled)
  4. (Once amended) The device according to claim 1, further comprising:  
a voltage source for applying a control voltage between the first conductor and the  
second conductor.
  5. (Once amended) The device according to claim 1, wherein the second conductor  
forms an RF ground.

6. (Once amended) The device according to claim 1, wherein the second conductor comprises:  
an RF choke.

7. (Once amended) The device according to claim 1, wherein the waveguide includes first and second sections, and the tunable phase shifter further comprises:

a first conductive plate positioned between the first and second sections of the waveguide; and

a second conductive plate positioned between the first and second sections of the waveguide, the first conductive plate being insulated from the waveguide and the second conductive plate being electrically connected to the waveguide.

8. (Once amended) The device according to claim 7, further comprising an impedance matching section formed by a gap between the first and second conductive plates.

9. (Once amended) The device according to claim 8, wherein the impedance matching section comprises:

an exponentially tapered gap between the first and second conductive plates.

10. (Once amended) The device according to claim 1, wherein:

the first conductor is insulated from the waveguide and includes an RF ground; and  
the second conductor is electrically connected to the waveguide.

11. (Once amended) The device according to claim 10, further comprising an impedance matching section formed by a gap between the first and second conductors.

12. (Once amended) The device according to claim 11, wherein the impedance matching section comprises:

an exponentially tapered gap between the first and second conductors.

13. (Once amended) The device according to claim 1, wherein the tunable dielectric layer comprises a material selected from the group of:

barium strontium titanate, barium calcium titanate, lead zirconium titanate, lead lanthanum zirconium titanate, lead titanate, barium calcium zirconium titanate, sodium nitrate,  $\text{KNbO}_3$ ,  $\text{LiNbO}_3$ ,  $\text{LiTaO}_3$ ,  $\text{PbNb}_2\text{O}_6$ ,  $\text{PbTa}_2\text{O}_6$ ,  $\text{KSr}(\text{NbO}_3)$ ,  $\text{NaBa}_2(\text{NbO}_3)_5$ ,  $\text{KH}_2\text{PO}_4$ , and combinations thereof.

14. (Once amended) The device according to claim 1, wherein the tunable dielectric layer comprises a barium strontium titanate (BSTO) composite selected from the group of:

BSTO-MgO, BSTO-MgAl<sub>2</sub>O<sub>4</sub>, BSTO-CaTiO<sub>3</sub>, BSTO-MgTiO<sub>3</sub>, BSTO-MgSrZrTiO<sub>6</sub>, and combinations thereof.

15. (Once amended) The device according to claim 1, wherein the tunable dielectric layer comprises a material selected from the group of:

Mg<sub>2</sub>SiO<sub>4</sub>, CaSiO<sub>3</sub>, BaSiO<sub>3</sub>, SrSiO<sub>3</sub>, Na<sub>2</sub>SiO<sub>3</sub>, NaSiO<sub>3</sub>-5H<sub>2</sub>O, LiAlSiO<sub>4</sub>, Li<sub>2</sub>SiO<sub>3</sub>, Li<sub>4</sub>SiO<sub>4</sub>, Al<sub>2</sub>Si<sub>2</sub>O<sub>7</sub>, ZrSiO<sub>4</sub>, KAlSi<sub>3</sub>O<sub>8</sub>, NaAlSi<sub>3</sub>O<sub>8</sub>, CaAl<sub>2</sub>Si<sub>2</sub>O<sub>8</sub>, CaMgSi<sub>2</sub>O<sub>6</sub>, BaTiSi<sub>3</sub>O<sub>9</sub> and Zn<sub>2</sub>SiO<sub>4</sub>.

16. (Once amended) The device according to claim 1, wherein the tunable dielectric layer comprises:

an electronically tunable dielectric phase and at least two metal oxide phases.

17. (Once amended) The device according to claim 1, wherein the tunable dielectric